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06                   UNITED STATES DISTRICT COURT  
07                   WESTERN DISTRICT OF WASHINGTON  
08                   AT SEATTLE

09       UNITED STATES OF AMERICA,                   )                   CASE NO. MJ 17-096  
10    )  
11       Plaintiff,                                      )  
12    )  
13       v.    )  
14       ELVIS DIAZ-ELVIR,                             )  
15    )  
16       Defendant.                                      )  
17    )  
18    )  
19    )  
20    )

21       Offense charged:   Illegal Reentry after Deportation

22       Date of Detention Hearing:   March 14, 2017.

23       The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
24 based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
25 that no condition or combination of conditions which defendant can meet will reasonably assure  
26 the appearance of defendant as required and the safety of other persons and the community.

27                   **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

28       1.       Defendant is reportedly a citizen of Honduras.  
29       2.       The United States alleges that his presence in this country is illegal. There is

01 an immigration detainer pending against him.

02 3. Defendant and his counsel offer no opposition to entry of an order of detention.

03 4. Upon advice of counsel, defendant declined to be interviewed by Pretrial  
04 Services. Therefore, there is limited information available about him.

05 5. Defendant poses a risk of nonappearance due to lack of legal status, and an  
06 immigration detainer, as well as an out-of-state warrant. Defendant poses a risk of danger due  
07 to criminal history. There does not appear to be any condition or combination of conditions  
08 that will reasonably assure the defendant's appearance at future Court hearings while addressing  
09 the danger to other persons or the community.

10 It is therefore ORDERED:

- 11 1. Defendant shall be detained pending trial and committed to the custody of the Attorney  
12 General for confinement in a correction facility separate, to the extent practicable, from  
13 persons awaiting or serving sentences or being held in custody pending appeal;
- 14 2. Defendant shall be afforded reasonable opportunity for private consultation with  
15 counsel;
- 16 3. On order of the United States or on request of an attorney for the Government, the person  
17 in charge of the corrections facility in which defendant is confined shall deliver the  
18 defendant to a United States Marshal for the purpose of an appearance in connection  
19 with a court proceeding; and

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4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United State Pretrial Services Officer.

DATED this 14th day of March, 2017.

Mary Alice Theiler  
Mary Alice Theiler  
United States Magistrate Judge